

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 02/01964

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K7/46

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 33804 A (FIRMENICH & CIE ;STORA THIERRY (FR)) 15 June 2000 (2000-06-15) The whole document	1-8, 10-12
X	WO 01 13875 A (LVMH RECH ;BATON GERARD (FR); SOUVIE MARIE LAURE (FR)) 1 March 2001 (2001-03-01) The whole document	1-12
X	EP 1 097 704 A (OREAL) 9 May 2001 (2001-05-09) page 2, column 1, line 3 - line 22 page 2, column 2, line 19 - line 35 examples 1-4	11

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

18 December 2002

Date of mailing of the international search report

02/01/2003

Name and mailing address of the ISA

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 02/01964

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
✓ WO 0033804	A	15-06-2000	BR 9907711 A	14-11-2000
			CA 2319271 A1	15-06-2000
			CN 1306418 T	01-08-2001
			EP 1051148 A1	15-11-2000
			WO 0033804 A1	15-06-2000
			JP 2002531482 T	24-09-2002
			TR 200002294 T1	21-12-2000
			US 6403109 B1	11-06-2002
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✓ WO 0113875	A	01-03-2001	FR 2797764 A1	02-03-2001
			EP 1206240 A1	22-05-2002
			WO 0113875 A1	01-03-2001
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J EP 1097704	A	09-05-2001	FR 2800609 A1	11-05-2001
			EP 1097704 A1	09-05-2001
			JP 2001192319 A	17-07-2001
			US 2002172703 A1	21-11-2002
			US 6419909 B1	16-07-2002

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Present claims 1,2,10 relate to a composition (and process) defined by reference to a desirable characteristic or property, namely a water-in-oil or oil-in-water emulsion wherein the difference between the density of the oily phase and that of the aqueous phase is less than or equal to 0.007 and more preferably 0.005.

The claims cover all compositions having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compositions. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the claimed compositions by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible.

Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the compositions claimed in dependent claims 5-9, the examples and the parts of the description which appear to be clear.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.